

It was alleged in substance in the libel that the article was misbranded so as to deceive and mislead the purchaser in that it was labeled, "Maple Maid Syrup," whereas, in truth and in fact, it was not maple sirup but contained glucose. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On November 17, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, with the proviso in the decrees that upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, the said product might be released to the owner or owners thereof, on condition that it be relabeled in compliance with the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11987. Adulteration of walnuts. U. S. v. 37 Bags of Walnuts in Shells. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18119. I. S. No. 15796-v. S. No. E-4619.)

On November 28, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 37 bags of walnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Rosenberg Bros. & Co., from San Francisco, Calif., on or about October 30, 1922, and transported from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

11988. Misbranding of Tubbs white pine cough cure, Tubbs' Bilious Man's Friend, and Tubbs' condition powder. U. S. v. 36 Bottles, et al., of Tubbs' White Pine Cough Cure, 14 Bottles, et al., of Tubbs' Bilious Man's Friend, and 11 Packages, et al., of Tubbs' Condition Powder. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16141 to 16149, incl., 16153, 16154, 16155, 16163, 16167 to 16172, incl., 16180, 16181, 16262 to 16267, incl., 16271, 16272, 16281 to 16291, incl. S. Nos. C-3540 to C-3551, incl., C-3554, C-3563, C-3565 to C-3569, incl., C-3585, C-3586, C-3590, C-3591, C-3592, C-3594 to C-3610, incl.)

On April 28 and 29 and May 1, 2, 4, 5, 9, and 12, 1922, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 764 bottles of Tubbs white pine cough cure, 173 bottles of Tubbs' Bilious Man's Friend, and 67 packages of Tubbs' condition powder, remaining in the original unbroken packages in various lots at Brainerd, Cyphers, Hackensack, Anoka, Cloquet, Munger, Lengby, Mahtowa, St. Paul, Duluth, Princeton, Stillwater, Atkinson, Kettle River, Sturgeon Lake, Deer Wood, White Earth, Philbrook, New York Mills, Randall, Lawler, Iverson, McGregor, Automba, Duquette, Bruno, and Kerrick, Minn., respectively, alleging that the articles had been shipped by the Tubbs Medicine Co., from River Falls, Wis., between the dates of July 10, 1919, and April 8, 1922, and transported from the State of Wisconsin into the State of Minnesota, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that Tubbs white pine cough cure contained chloroform, tar, extracts of plant drugs, including barks, sugar, alcohol, and water, that Tubbs' Bilious Man's Friend contained extracts of plant drugs, including laxative drugs, sugar, alcohol, water, and peppermint oil, and that Tubbs' condition powder contained sulphur, sodium chloride, iron sulphate, sodium bicarbonate, potassium nitrate, charcoal, nux vomica, and oil cake.

Misbranding of the articles was alleged in substance in the libels for the reason that the following statements appearing in the labeling of the respective articles, regarding the curative and therapeutic effects thereof, were

* false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed: (White pine cough cure) (bottle) "For * * * Croup, Whooping Cough & Relief in Consumptive Cases. * * * Take one teaspoonful every 30 minutes till relief is certain. Larger doses do not hasten a cure;" (Bilious Man's Friend) (cartons, all consignments, in English) "The Blood Medicine * * * For Liver And Kidney Troubles, Rheumatism, Backache * * * Indigestion And Sick Headache, Heartburn, Colds With Feverish Conditions * * * For relieving congested condition of the system, Stomach Troubles, Backache, Kidney Complaints, Severe Colds * * * Sick Headache, Overheated Conditions from over work or sun exposure, Loss of Appetite. Prevents Chills * * * In cases of La Grippe * * * A pain in the digestive organs calls for Tubbs' Bilious Man's Friend," (cartons, all consignments, in foreign languages) "For relieving a congested condition of the system, Stomach Disorders, Pains in the Back, Derangements of the Kidneys, Severe Colds * * * Headache, Overheated Conditions resulting from fatigue or exposure to the sun, Loss of appetite. Prevents chills * * * In case of 'Grippe,'" (bottle label of portion of consignments) "The Blood Medicine For Stomach Troubles, Backache, Kidney Complaints, Severe Colds, Biliousness * * * Sick Headache, Overheated Conditions from Over-work or Sun Exposure, Loss of Appetite, Rheumatism Prevents Chills," (bottle label of remainder of consignments) "The Blood Medicine For * * * Liver and Kidney Troubles, Rheumatism, Backache, Severe Colds * * * Indigestion, Sick Headache, Heartburn," (circular in portion of consignments, "Descriptive List Of Tubbs Medicines") "For Stomach Troubles, Backache, Kidney Complaints, Severe Colds * * * Sick Headache, Yellow Jaundice, Nervous Disorders, Overheated Condition from over-work or sun exposure, Loss of Appetite, Rheumatism, Scurvy, Worms and Piles. Prevents Chills * * * In case of La Grippe * * * For Rheumatism * * * It has cured many others. Why not you;" (condition powder) "It is an invaluable remedy for * * * Distemper * * * Mange, Coughs * * * Boils, Pink Eye, Epizootic * * * For Horses * * * For * * * Coughs, Distemper * * * Heaves, Influenza * * * Distemper and Epizootic readily overcome by using a tablespoonful three times a day. * * * prevents * * * heaves * * * For Cows * * * To prevent garget, milk-fever * * * For Calves * * * prevent scours * * * For Hogs To prevent cholera * * * For Poultry Cholera, Roup, Gapes." Misbranding was alleged with respect to a portion of the Bilious Man's Friend for the further reason that the statement, "Alcohol 20%," appearing on the bottle label, was false and misleading and deceived and misled the purchaser.

On May 16, September 14, September 15, and November 5, 1923, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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C. F. MARVIN, *Acting Secretary of Agriculture.*

11989. Adulteration of butter. U. S. v. 290 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17593. I. S. No. 4198-v. S. No. C-4049.)

On July 2, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 290 tubs of butter, at Jersey City, N. J., alleging that the article had been shipped by Swift & Co., from Atlantic, Iowa, on or about June 18, 1923, to Chicago, Ill., and reshipped by said Swift & Co., on or about June 21, 1923, and that it had been transported in interstate commerce from the State of Iowa into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in milk fat and high in moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in whole or in part abstracted.

On November 10, 1923, Swift & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation